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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,586	06/15/2000	Joseph M. Cannon	129250-000910/US	9026

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CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC
P.O. BOX 1995
VIENNA, VA 22183

EXAMINER	
MILORD, MARCEAU	
ART UNIT	PAPER NUMBER
2618	
MAIL DATE	DELIVERY MODE
07/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/594,586	CANNON ET AL.	
	Examiner	Art Unit	
	MARCEAU MILORD	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2011*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 22-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-20, 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith et al (US Patent No 5812953) in view of Amin et al (US Patent No 7266371B1).

Regarding claims 1, 5- 6, Griffith et al discloses a method for configuring a wireless device (figs. 3-5) comprising: displaying wireless device settings (80 of fig. 4; col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11); transmitting (80 of fig. 4) selected wireless device settings to a wireless service provider (col. 8, lines 30-57;col. 12, lines 45-66;col. 13, line 29-col. 14, line 11).

However, Griffith et al does not specifically disclose the steps of accessing a web page via an Internet Protocol-based network and transmitting the settings using the IP-based network.

On the other hand, Amin et al, from the same field of endeavor, discloses the step of accessing (206 of fig. 2) a web page (221 of fig. 2; service provider site which is the web page

of the service provider) via an Internet Protocol-based network (col. 7, lines 15-31;col. 11, lines 38-55); and transmitting (206 of fig. 2) the settings using the IP-based network (figs. 2-5; figs. 6-7; col. 7, lines 15-44; col. 8, lines 17-57; col. 11, lines 1-65; col. 14, lines 5-40; col. 14, lines 45-col. 15, line16).

Amin et al shows in figure 3, a mobile device that is configured to use an IP-based activation system where a serving GPRS support node (SGSN) can communicate with a service provider database, a service provider internet site using wireless application protocol, transmission control protocol. This mobile device is also configured to establish an IP-link over a land-line connection. Amin et al also shows in figure 6c, an activation procedure where the system establishes or activates a packet data protocol context in the Gateway GPRS Support Node to allow the activation of the mobile device. The SGSN sends a response to the mobile station indicating that the context is active. The mobile station activation application is initiated and this brings up an IP-based application that the subscriber may use to begin the application process. The serving GPRS support node can assess the service provider web site via an Internet Protocol-based network; and can transmit selected settings to a wireless service provider via the internet based network. The user interface can display settings of a separate wireless device within the web page (col. 13, line54-col. 14, line 62; figs. 2-5; figs. 6-7; col. 7, lines 15-44; col. 8, lines 17-57; col. 11, lines 1-65; col. 14, lines 5-40). It is considered that Amin discloses the steps of accessing an Internet Protocol-based network and transmitting the information to a wireless service provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Amin to the communication system of Griffith in order to configure a mobile device using a service provider web site.

Regarding claim 2, Griffith et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 3-5), comprising transmitting the substantially same settings to a wireless device (col. 8, lines 30-57;col. 12, lines 45-66;col. 13, line 29-col. 14, line 11).

Regarding claim 3, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the wireless device comprises a cellular telephone (col. 6, lines 34-67; col. 5, lines 34-48; col. 12, lines 43-67).

Regarding claim 4, Griffith et al as modified discloses a method for configuring a wireless device (figs.3-5), wherein the wireless device comprises a cordless telephone (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 7, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein displaying comprises displaying the settings within a PDA menu (col. 13, line 29-col. 14, line 11).

Regarding claim 8, Griffith et al as modified discloses a method for configuring a wireless device (figs.3-5), wherein displaying comprises displaying the settings within a wireless device menu (col. 8, lines 30-57;col. 12, lines 45-66;col. 13, line 29-col. 14, line 11).

Regarding claim 9, Griffith et al as modified discloses a method for configuring a wireless device (figs.3-5), wherein transmitting comprises transmitting the selected settings according to a schedule (col. 12, lines 45-66;col. 13, line 29-col. 14, line 11).

Regarding claim 10, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein transmitting comprises repeatedly transmitting the selected

settings until the wireless device receives the transmission (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 11, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings are transmitted to a wireless device identified by a wireless device communications number (col. 6, lines 34-67; col. 5, lines 34-48; col. 12, lines 43-67).

Regarding claim 12, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the communications number comprises a telephone number (col. 6, lines 34-67; col. 5, lines 34-48; col. 12, lines 43-67).

Regarding claim 13, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings comprise an existing configuration (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 14, Griffith et al as modified discloses a method for configuring a wireless device (figs.3-5), wherein the selected settings comprise a new configuration (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 15, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cellular telephone settings (col. 5, lines 34-48; col. 4, lines 24-65;col. 12, lines 43-67).

Regarding claim 16, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cordless telephone settings (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claims 17, 22, Griffith et al discloses a system for configuring a wireless device (figs. 3-5), comprising: a display settings (80 of fig. 4; col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11) of a separate wireless device and to transmit selected settings to a wireless service provider (col. 8, lines 30-57;col. 12, lines 45-66;col. 13, line 29-col. 14, line 11).

However, Griffith et al does not specifically disclose the features of a configuration interface adapted to access a web page via an Internet Protocol-based network and displaying the settings within the web page.

However, Griffith et al does not specifically disclose the features of a configuration interface adapted to access a web page via an Internet Protocol-based network and displaying the settings within the web page.

On the other hand, Amin et al, from the same field of endeavor, discloses the a configuration interface adapted to access (206 of fig. 2) a web page (221 of fig. 2; service provider site which is the web page of the service provider) via an Internet Protocol-based network (col. 7, lines 15-31;col. 11, lines 38-55); and displaying (user interface) the settings within the web page (206 of fig. 2; figs. 2-5; figs. 6-7; col. 7, lines 15-44; col. 8, lines 17-57; col. 11, lines 1-65; col. 14, lines 5-40; col. 14, lines 45-col. 15, line16).

Amin et al shows in figure 3, a mobile device that is configured to use an IP-based activation system where a serving GPRS support node (SGSN) can communicate with a service provider database, a service provider internet site using wireless application protocol, transmission control protocol. This mobile device is also configured to establish an IP-link over a land-line connection. Amin et al also shows in figure 6c, an activation procedure where the

system establishes or activates a packet data protocol context in the Gateway GPRS Support Node to allow the activation of the mobile device. The SGSN sends a response to the mobile station indicating that the context is active. The mobile station activation application is initiated and this brings up an IP-based application that the subscriber may use to begin the application process. The serving GPRS support node can assess the service provider web site via an Internet Protocol-based network; and can transmit selected settings to a wireless service provider via the internet based network. The user interface can display settings of a separate wireless device within the web page (col. 13, line54-col. 14, line 62; figs. 2-5; figs. 6-7; col. 7, lines 15-44; col. 8, lines 17-57; col. 11, lines 1-65; col. 14, lines 5-40). It is considered that Amin discloses the features of a configuration interface adapted to access a web page via an Internet Protocol-based network and displaying the settings within the web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Amin to the communication system of Griffith in order to configure a mobile device using a service provider web site.

Regarding claim 18, Griffith et al as modified discloses a system for configuring a wireless device (figs. 1-2, fig. 4), comprising a wireless service provider adapted to transmit substantially the same selected settings to a wireless device (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 19, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the wireless device comprises a cellular telephone (col. 5, lines 34-48; col. 4, lines 24-65;col. 12, lines 43-67).

Regarding claim 20, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the wireless device comprises a cordless telephone col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 23, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the interface is adapted to display the settings within a PDA menu (col. 13, line 29-col. 14, line 11).

Regarding claim 24, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the interface is adapted to display the settings within a wireless device menu (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 25, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the provider is adapted to transmit the selected settings according to a schedule (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 26, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the provider is adapted to repeatedly transmit the selected settings until the wireless device receives the transmission (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 27, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the provider is adapted to transmit the selected settings to the wireless device upon receiving a wireless device communications number which identifies the wireless device (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 28, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the communications number comprises a telephone number (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 29, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise an existing configuration (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 30, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise a new configuration (col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 31, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cellular telephone settings (col. 5, lines 34-48; col. 4, lines 24-65;col. 12, lines 43-67).

Regarding claim 32, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cordless telephone settings (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Response to Arguments

3. Applicant's arguments filed on May 5, 2011 have been fully considered but they are not persuasive.

Applicant's representative argues that the subject matter of claims 1-20 and 22-32 was conceived by the inventors prior to the effective filing date of Amin, and the inventors exercised due diligence from such conception date up until a constructive reduction practice of the claimed inventions.

However, the Examiner disagrees with the above assertion.

Diligence requires that applicant must be specific as to dates and facts. What type of activities that the applicant has been referred to (attain a reduction to practice of the subject matter of the claims; conception plus reasonable diligence to reduction to practice). Applicant must show evidence. The period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. Reasonable diligence must be directly related to the reduction to practice of the invention in issue. The essential thing to be shown under 37 CFR 1.131 is evidence of the fact. Facts must be alleged. Evidence in the form of exhibits may accompany the affidavit or declaration. Each exhibit relied upon should be specifically referred to in the affidavit or declaration, in terms of what it is relied upon to show. For instance, the allegations of fact might be supported by submitting as evidence one or more of the following: attached sketches; attached blueprints; attached photographs; attached reproduction of notebook entries; an accompanying model. The affidavit should also provide evidence directed to the issue at hand (unexpected results or possession of claims invention). Therefore, the evidence is insufficient. In conclusion, the Examiner believes that applicant must show evidence of facts for establishing evidence. Allegations of facts must be supported by evidence such as: sketches, blueprints, photographs, notebook entries, a model, etc.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCEAU MILORD whose telephone number is (571)272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marceau Milord
Primary Examiner
Art Unit 2618

/Marceau Milord/
Primary Examiner, Art Unit 2618

Search Notes (continued)

Application/Control No.	Applicant(s)/Patent under Reexamination
09/594,586	CANNON ET AL.
Examiner	**Art Unit**
MARCEAU MILORD	2618

SEARCHED			
Class	Subclass	Date	Examiner
455	419	7/2/2010	MM
455	420	10/11/2009	MM
455	418	10/11/2009	MM

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
UPDATED EAST TEXT SEARCH/CLASS/SUBCLASS	7/14/2011	MM